

UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

IN RE:

WILLIAM LOWERY, JR.,

Debtor.

Case No. 6:17-bk-00848-RAC

Chapter 7

MOTION BY FAMILY TRUST FEDERAL CREDIT UNION FOR RELIEF FROM STAY

**NOTICE OF OPPORTUNITY TO
OBJECT AND REQUEST FOR HEARING**

Pursuant to Local Rule 2002-4, the Court will consider the relief requested in this paper without further notice or hearing unless a party in interest files an objection within 21 days from the date set forth on the attached proof of service plus an additional three days for service if any party was served by U.S. Mail.

If you object to the relief requested in this paper, you must file a response with the Clerk of the Court at the George C. Young Federal Courthouse, 400 West Washington Street, Suite 5100 Orlando, FL 32801, and serve a copy on the movant's attorney, David B. Jones, Post Office Box 3146, Orlando, FL 32802-3146, and any other appropriate persons within the time allowed.

If you file and serve an objection within the time permitted, the Court will either schedule and notify you of a hearing, or consider the objection and grant or deny the relief requested without a hearing. If you do not file an objection within the time permitted, the Court will consider that you do not oppose the relief requested in the paper, will proceed to consider the paper without further notice or hearing, and may grant the relief requested.

FAMILY TRUST FEDERAL CREDIT UNION ("Creditor"), by and through its undersigned attorney, moves the Court to grant it Relief from the Automatic Stay imposed by Section 362 of the Bankruptcy Code, and as grounds therefore would show:

1. The Debtor filed a Petition under Chapter 7 of the Bankruptcy Code on February 09, 2017, and this Court has jurisdiction pursuant to 11 U.S.C. Sections 101 et seq. and 28 U.S.C. Section 157(a). Arvind Mehendru is the Trustee in the Case.

2. Creditor owns and holds a Contract granting it a security interest in property owned by the Debtor. A copy of the Contract is attached hereto as Exhibit A and incorporated herein by reference.

3. Creditor has perfected its security interest in the property, and its interest is superior to all other liens and interests, as evidenced by the Title Certificate attached hereto as Exhibit B and incorporated herein by reference.

4. The property which is the subject of this Motion and subject to Creditor's interest is described as: 2005 Chrysler 300C, VIN 2C3JA63H95H696872.

5. The retail value of the property is \$7,100.00, based on the value of a motor vehicle in average condition and average mileage shown in the NADA Guide for the current month. Creditor has not inspected the property. The value of the property is diminishing by virtue of age and use.

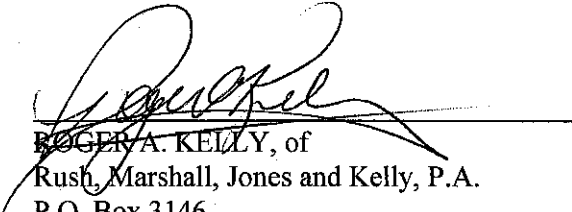
6. The amount of the debt secured by the lien is \$5,885.65. The Debtor has no equity in the property. Creditor lacks adequate protection for its security interest in the property.

7. Creditor is entitled to possession of the property by the terms of the Contract. **Debtor defaulted on the Contract by failing to pay the installment due on June 28, 2016, or any installment thereafter.** The normal monthly payment due on the Contract is \$267.75.

WHEREFORE, Creditor, FAMILY TRUST FEDERAL CREDIT UNION, respectfully requests this Court to enter an Order which modifies the Automatic Stay and permits Creditor to perfect its security interest in the property, accelerate the balance due under the Contract, take possession of, foreclose its interest in, and dispose of the property, furnish notices to Debtor

regarding date of sale and proceeds of sale, pursuant to the terms of the Contract and state law, and for any and such other and further relief as this Court deems just and equitable.

DATED March 16, 2017.


ROGER A. KELLY, of
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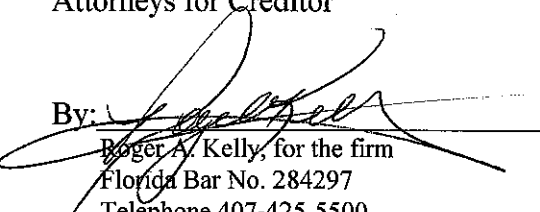
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of the foregoing has been served on this 16th day of March, 2017, by electronic notice if registered in the Electronic Case Filing system, otherwise by first class postage prepaid U.S. Mail to: William Lowery, Jr., 5259 Cane Island Loop Apt. 102, Kissimmee FL 34746, Debtor, Keith D. Collier, 861 Morse Boulevard Ste 1, Winter Park, FL 32789, Attorney for Debtor, Arvind Mehendru, 5703 Red Bug Lake Road, Suite 284, Winter Springs, FL 32708, Office of the U.S. Trustee, 400 W. Washington St., Suite 1100, Orlando, FL 32801.

RUSH, MARSHALL, JONES and KELLY, P.A.
Attorneys for Creditor

SEND ALL NOTICES TO:

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